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C O N F I D E N T I A L SECTION 01 OF 02 BOGOTA 003235

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TAGS: [KJUS](#) [MOPS](#) [PHUM](#) [CO](#)

SUBJECT: MILITARY JUSTICE REFORM MOVES FORWARD

REF: BOGOTA 001705

Classified By: Ambassador William B. Wood; reasons 1.4
(b) and (d)

1. (U) This is an action request. See para 8.

2. (C) Summary: Director of Military Penal Justice (MPJ) Brigadier General Luis Fernando Puentes told Emboff on March 16 that the "shock" reform package (reftel) would be submitted to Congress this week. In preparation for the rollout, Puentes and his public relations officers met with domestic and international audiences to garner support. He claimed that this first reform package, which would establish an administrative process for service-related crimes, could be a critical stopgap to stabilize the overburdened system. The second reform package, slated for a July Congressional review, would improve the long-term functioning of the institution, according to Puentes. He has said privately and publicly that, "Without reform, we are dead." He has requested Embassy assistance to convince both Congress and the Minister of Defense of the urgency of reform. End summary.

3. (C) In preparation for the MPJ reform package submission to Congress, General Puentes made several public presentations in an attempt to win support from domestic and international audiences. His first presentation was to defense attaches accredited in Colombia on March 14. Puentes told attendees about an interactive compact disk he developed that offers basic information about military justice procedures. He also solicited information about international and public opinion of Colombian military justice. After the briefing, the Mexican Military and Air Attache BG Rogelio Patino advised Puentes that Mexico had a successful, well-respected system which incorporates Puentes' proposed changes. He added that the Colombian military justice system needed an investigative body and defense (JAG) corps. Puentes later told Poloff that he hopes the reforms create a system that works as well as Mexico's and acknowledged that Mexico is a model of what he hopes MPJ will become.

4. (U) On March 18, Puentes held a second briefing for Colombian journalists who regularly cover military issues. Most major print and other media attended. Over breakfast, Puentes stressed the importance of creating a means of public defense for military officials charged under the MPJ system. He cited several cases where soldiers and their families went into financial ruin because of prohibitions against military defense lawyers. (Note: In 1996, the Constitutional Court found that military lawyers could not defend military officials, so the accused must seek independent civilian council.) Puentes then raised the issue of eliminating the case backlog by creating a more streamlined administrative process. The press responded with only a couple of questions about specific problems raised during the presentation.

5. (C) In a separate meeting with Poloffs on March 16, Puentes expounded on the need for immediate reforms to the system. As an attempt to become more transparent to the public, his office was setting up a website to highlight military justice issues. The site (www/justiciamilitar.gov.co) is not active yet. Puentes discussed his plans to submit the first package of reform proposals to Congress the week of March 28. Puentes said he believed the reforms, which the Minister of Defense (MOD) blessed in early March, would be able to pass Congressional debate and smooth the path for future reforms. He described the reform as a way of dealing with service-related crimes such as desertion, insubordination, and abuse of authority. Puentes claimed that the "shock" reform was necessary to halt an exponential case backlog and save the system.

6. (C) Assuming the "shock" passes congress, Puentes plans to submit a second, more extensive reform proposal on July 20, to create a military investigative body, military defense corps and a yearly budget for the system, as well as convert the system to an accusatorial one. Military justice does not have a budget for 2005 and has to rely on the branches of the military to provide funding for all basics.

7. (C) A Southcom representative is slated to visit in mid April to discuss bilateral assistance for military justice.

Although Puentes was positive in his public presentations, in private he seemed disheartened by the lack of support and money for reform. He asked for U.S. help in developing a political strategy and U.S. support in winning over the MOD. Puentes also asked for U.S. Embassy support in lobbying the Colombian Congress.

18. (C) Action Request: Military justice reform has become an important part of the fight for human rights and against corruption in the military. Post requests senior USG officials make this a regular part of their discussions with Colombian policy officials in both civilian and military roles. In addition, the importance the USG attaches to this should be raised with Colombian Ambassador to the U.S. Luis Alberto Moreno soon.

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